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November 13, 2015

Client No. 4361-0010

**Via ECF & Facsimile (212-805-7986)**

Honorable Paul G. Gardephe  
United States District Court  
Southern District of New York  
40 Foley Square, Room 2204  
New York, NY 10007

**Re: International Trade Finance, LLC v. BAC Sales, Inc., et al.**  
**Civil Action No. 1:15-cv-05615 (PGG)**  
**Hearing Date: November 19, 2015 at 2:30 p.m.**

Dear Judge Gardephe:

This firm represents Plaintiff International Trade Finance, LLC (“Plaintiff”) in the above-referenced matter. On the Court’s calendar for November 19, 2015 at 2:30 p.m. are (i) a hearing relating to the Court’s Order to Show Cause for Default Judgment in favor of Plaintiff against Defendant Swiss Grills International, LLC (“Swiss Grills”); and (ii) an initial conference.

Based upon the language of the Order to Show Cause for Default Judgment entered on November 9, 2015, Swiss Grills bears the burden of showing cause why default judgment should not be entered against it. Therefore, absent a timely response filed by Swiss Grills, or directive from the Court, the Plaintiff will not be producing a witness for the purposes of presenting testimony. Plaintiff’s request for Default Judgment relies upon the Affidavit of Joseph P. Clark who resides in California. To the extent the Court requires testimony, the Plaintiff respectfully requests it be so advised and that Mr. Clark be allowed to appear by telephone.

With regard to the initial conference, the Plaintiff is pleased to advise the Court that the Plaintiff and Defendant BAC Sales, Inc. (“BAC”) have entered into a settlement resolving the parties’ claims. Prior to the hearing, the Plaintiff and BAC anticipate filing a stipulation dismissing all claims asserted by the Plaintiff and BAC against one another in this matter.

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Thank you for Your Honor's time and consideration of this matter.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Ross J. Switkes".

Ross J. Switkes

cc: William J. Better, Esq., counsel for BAC Sales, Inc. (via e-mail)

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